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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

TYRONE HENRY,
Complainant,

V.

TUCSON ELECTRIC POWER, CO.

Respondent.

DOCKET NO. E-01933A-11-0346

PROCEDURAL ORDER

BY THE COMMISSION:

On September 13, 2011, a formal Complaint brought by Tyrone Henry ("Henry Complaint") against Tucson Electric Power Co. ("TEP") was docketed with the Arizona Corporation Commission ("Commission").

On September 14, 2011, the Commission's Docket Control sent a copy of the Henry Complaint to TEP via certified mail.

By letter docketed September 16, 2011, TEP acknowledged receipt of the Henry Complaint, and noted that the complaint was missing page 2. TEP states that without page 2, it is unable to respond to the Henry Complaint and that upon receipt of the entire complaint, TEP would file a response within 20 days.

The original of the docketed Henry Complaint is missing page 2.

On September 22, 2011, the Commission's Docket Control informed Ms. Raye Stiles, the mother of Mr. Henry, that the Henry Complaint was missing the second page and that Mr. Henry could submit the original and 13 copies of page 2 (or 12 copies, if he did not want to receive a copy back) in order to correct the filing deficiency; and further, that upon receipt of the missing page, Docket Control would send the entire Henry Complaint to TEP by certified mail, and TEP would have 20 days from receipt to file its response.

1 On September 22, 2011, the Commission's Docket Control received the original and 13
2 copies of a document entitled "Motion for Specific Performance." A copy of the Motion is attached
3 hereto as Exhibit A. The Motion's caption references two separate dockets—the Henry Complaint
4 docket referenced above, and a complaint against TEP by Ms. Stiles that was docketed on September
5 15, 2011. The two complaints have not been consolidated. The Motion, as submitted, cannot be
6 docketed in either docket as it has been captioned by the author because the two dockets are not
7 consolidated.

8 The Commission's filing requirements can be found at
9 <http://www.azcc.gov/Divisions/Administration/FilingRequirements.doc>. For the convenience of the
10 parties the pertinent page is attached to this Procedural Order as Exhibit B.

11 In addition, practice before the Commission must conform to the Rules of the Arizona
12 Supreme Court. In particular, Rule 31 of the Rules of the Arizona Supreme Court prohibits the
13 "unauthorized practice of law." Pursuant to Rule 31, "the practice of law" includes providing legal
14 advice or services to or for another by preparing any document intended to affect or secure legal
15 rights, preparing or expressing legal opinions, representing another in any judicial, quasi-judicial, or
16 administrative proceeding, preparing any document for filing in any court or administrative agency
17 for a specific person, or negotiating legal rights or responsibilities for a specific person. A person
18 may not engage in the practice of law unless an active member of the state bar, except as provided in
19 Rule 31.

20 Individuals may represent themselves before the Commission without being represented by an
21 attorney admitted to practice in Arizona. However, individuals not admitted to the state bar may not
22 represent the legal interests of another in proceedings at the Commission.

23 The Motion submitted in the Henry Complaint docket was signed "Tyrone Henry by Raye
24 Stiles, POA." It is not clear on the face of the pleading who prepared the document, but if and when
25 further pleadings are submitted in this matter, or if and when the matter proceeds to a hearing, the
26 parties must comply with Rule 31 of the Rules of the Arizona Supreme Court.

27 IT IS THEREFORE ORDERED that Mr. Henry is hereby notified that the original of the
28 motion attached as Exhibit A will not be docketed because it does not conform to the filing

1 requirements of the Commission as set forth in Exhibit B.

2 IT IS FURTHER ORDERED that Mr. Henry may submit a similar motion in this docket by
3 correcting the deficiencies.

4 IT IS FURTHER ORDERED that Mr. Henry and Ms. Stiles may request to have their
5 complaints consolidated by filing proper separate motions in each docket, and the Commission, may,
6 in its discretion, consolidate the matters.¹

7 IT IS FURTHER ORDERED that unless and until the two dockets are consolidated,
8 subsequent pleadings should only contain one Docket Number.

9 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
10 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
11 *pro hac vice*.

12 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
13 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
14 hearing.

15 DATED this 23rd day of September, 2011.

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JANE L. RODDA
ADMINISTRATIVE LAW JUDGE
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28 ¹ However, no determination is being made at this time that the matters should be consolidated.

1 Copies delivered/mailed
2 this ~~23rd~~ day of September, 2011 to:

3 Tyrone Henry
4 2018 North Tucker Dr.
5 Tucson, AZ 85716

6 David Couture
7 TUCSON ELECTRIC POWER
8 One South Church Avenue, Suite 200
9 Tucson, AZ 85701

10 Michael Patten
11 Roshka DeWulf & Patten, PLC
12 400 East Van Buren Street
13 Suite 800
14 Phoenix, AZ 85004
15 Attorneys for TEP

16 Janice Alward, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Steven M. Olea, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 By: 
27 Jane Rodda

EXHIBIT A *ORIGINAL*BEFORE THE ARIZONA CORPORATION COMMISSION

In Re: Tyrone Henry v. Tucson Electric Power

Docket No. E-01933A-11-0346

In Re: Raye Stiles v. Tucson Electric Power

Docket No. Undetermined at this time

Assigned to Hon. ALJ Rada

PLEASE EXPEDITEMOTION FOR SPECIFIC PERFORMANCE

Complainant Tyrone Henry and Complainant Raye Stiles move this body to order TEP to restore service to 2018 N. Tucker Dr., Tucson, AZ 85716, forthwith, on grounds of violation of Tariffed Rules & Regulations, medical conditions and breach of contract pursuant to applicable Arizona law.

I.

Pertinent History & Background

On September 6th, 2011, Tucson Electric Power, (TEP), forwarded a 'Notice of Disconnect to Mr. Henry. A true and correct copy is attached hereto, incorporated herein, and marked as Exhibit 'A'. The amount requested was \$182.81. The notice also instructed Mr. Henry to contact TEP prior to September 14th, 2011 should he wish to dispute the reason for termination. Mr. Henry contacted Tashonda Betts and advised her again of his dispute. TEP is now:

1. Attempting to collect an exceedingly old debt which Mr. Henry is disputing on grounds that he does not owe it because he was no longer residing at the premises.
2. Withholding service declaring that debt from the year 2000 is in default. Mr. Henry has filed a formal docketed complaint disputing this debt.
3. TEP is demanding that the disputed debt be paid prior to reconnecting service;

notice. Said conversation was with Tashonda Betts, Marcus Jerden, & Lindy Sheehe, and was on speaker. Ms. Stiles was in the room while and heard all of the conversation.

It was at that point Mr. Henry was advised that they were adding in the amount he which he had disputed, at length, during the conversation. Henry advised Ms. Stiles that he was going to file a formal complaint, which he did immediately.¹ Once it was filed, TEP was notified immediately as is customary.

III.

CUSTOMER'S ARE NOT RESPONSIBLE FOR HANDLING OF PAYMENTS ONCE ACCEPTED BY TEP

Mr. Henry decided to pay the amount demanded on the Disconnect Notice in full. This was done via credit card from South Carolina. The amount demanded was paid prior to the date requested. TEP, however, asserts it was paid at varying times, including at 5:00 am in the morning. TEP claims they did not know it was paid. However, TEP sent a tech to the property after receipt, without first checking if it had been paid. There is no disagreement that it was paid in full prior to disconnection. The tech never knocked on the door, and there was no 24 hours notice posted the day before as is customary and usual. Had the tech knocked on the door, Ms. Stiles could have told him it had been paid, he could have called in and checked, and interruption of service could have been avoided.

IV.

TEP'S BREACH OF CONTRACT

The disconnect notice is a contract, and Mr. Henry adhered to the provisions of the contract. He contacted TEP's Tashonda Betts via telephone upon receipt of knowledge that there were additional amounts from the disputed debt being added to the bill, and advised her that he was disputing the bill and would be filing a formal complaint. Betts responded by stating she would advise their attorneys. Therefore, prior to disconnecting service, TEP and their counsel knew the debt was being disputed, and cannot attempt to feign ignorance as to knowledge of a formal dispute.

V.

TEP's BREACH OF PUBLIC TRUST

TEP has a responsibility to be fair and to be humane, and in all cases, to err on the side of

¹ Ms. Stiles was advised that the reason for the delay in filing Mr. Henry's docketed complaint was due to there not being 13 copies attached, which necessitated Docket Control to forward the complaint to Utilities Division, who then returned it to Docket Control. Docket Control then filed it on September 13th, 2011.

caution when it comes to the health and safety of all consumers, even those who reside with a customer. The purpose of the formal complaint process is for the protection of the citizens, and to ensure that a monopoly such as TEP does not abuse their discretion.

In this instance, TEP is attempting to coerce and extort a large amount of money of a long disputed debt using electricity as leverage and a tool to harass parties in an inhumane manner.

If the amount in dispute is being brought forward in this process, what TEP is now attempting to do is clearly unethical, unfair, and unjust.

CONCLUSION

Mr. Henry requests this body to order TEP to restore service to 2018 N. Tucker Dr., forthwith, so as to mitigate any further damages and harm to himself, his mother, and his grandmother.

WHEREFORE, Premises Considered, Complainant Henry moves that TEP be ordered to restore service no later than 5:00pm on September 16th, 2011.

DATED this the 16th day of September, 2011.

Respectfully Submitted,

Tyrone Henry by Raye Stiles, P.O.A.

Tyrone Henry by
Raye Stiles, P.O.A



A UniSource Energy Company

DISCONNECT NOTICE

Account: 4305544122
 Notice Date: September 6, 2011
 Customer Name: TYRONE HENRY
 Service Address: 2018 N TUCKER DR

TERMINATION DATE	DELINQUENT AMOUNT
09/14/2011	\$182.81

Company records indicate your account is delinquent in the amount of \$182.81, which must be paid prior to the termination date of 09/14/2011.

*If you are unable to pay the delinquent amount in full, or if you wish to dispute the reason for termination or discuss possible deferred payment options, please call us at (520) 623-7711 or 1-800-328-8853 **PRIOR TO** the scheduled termination date.*

If service is terminated, the delinquent amount plus a reconnect fee will be required to restore service. Be advised, a security deposit may also be required

Para asistencia en Español, el número de teléfono se encuentra al reverso de esta pagina.

DETACH PORTION ABOVE AND RETAIN FOR YOUR RECORDS

Tucson Electric Power Co.
 P.O. Box 80077
 Prescott AZ 86304-8077

Please make payable to Tucson Electric Power Company.
 Write your TEP account number on the front of check or money order.

Account	TERMINATION DATE	DELINQUENT AMOUNT	Amount Paid
4305544122	09/14/2011	\$182.81	

N 01 4305544122 000018281 D 000018281 D 5

#BWNDCCF 000020575 01 AT 0.365*****AUTO**3-DIGIT 857



TYRONE HENRY
 2018 N TUCKER DR
 TUCSON, AZ 85716-3031

TUCSON ELECTRIC POWER COMPANY
 P.O. BOX 80077
 PRESCOTT AZ 86304-8077

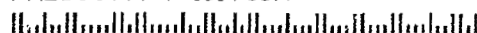


EXHIBIT 'A'

CERTIFICATE OF SERVICE

I certify that on this the 16th day, September, 2011, I noticed TEP of this motion via telephone to party named below. Since I have not recieved a notice of appearance, nor a response, telephone was the only mechanism available.

By: Raye Ellen Stiles
Raye Ellen Stiles

EXHIBIT B

Documents to be filed with Docket Control may be filed during regular hours of operation in person at the Corporation Commission Buildings in Phoenix or Tucson. They may also be submitted through mail or delivery to our Phoenix office. WE ARE NOT ABLE TO ACCEPT ELECTRONIC FILINGS AT THIS TIME.

Filing Requirements:

Most filings require an Original plus 13 copies.

Two exceptions are:

- Line Siting Cases (Docket Numbers starting with an "L") which require 25 copies; and
- Security Cases (Docket Numbers starting with an "S") which require 10 copies.

The Docket Number must appear on the first page of the original and ALL copies of the filing, including a cover letter if provided. The only exception to this is a new Application, which will have a docket number assigned by Docket staff.

PLEASE NOTE: Some cases are consolidated and have more than one docket number. Filings in consolidated dockets must include all docket numbers. You can tell if a docket is consolidated by looking under "Special Instructions" on the "Docket" tab when you look up the docket in eDocket. Although some cases may seem to be related, only those docket numbers listed as consolidated should be on the filing. Docket numbers that are not required to be on the filing will cause the filing to be rejected. If you want to make a filing in several dockets that are not consolidated, you need to docket separate filings with the individual docket number listed. Please call Docket with any questions.

All copies must be properly collated. For example, do not include 13 copies of Section I, 13 copies of Section II, etc. Copies should be bound together in some manner (i.e. stapled, paper clipped).

All documents must be filed using 8-1/2" x 11" paper. (Copies for distribution in some cases may include larger maps for the purpose of clarity – please contact Docket Control for more information).

NO CONFIDENTIAL INFORMATION will be docketed. If you must provide confidential information, you must make prior arrangements with the Hearing or Legal Division. IT IS THE FILING PARTIES' RESPONSIBILITY TO REMOVE OR REDACT ANY PERSONAL INFORMATION THAT WOULD NOT BE APPROPRIATE FOR PUBLIC VIEW.

If the filing is for an existing docket, the filing party must mail a copy of the filed document to all parties on the Service List (see eDocket for copy of Service List)

Please contact Docket Control at 602-542-3477 or help-edocket@azcc.gov with any questions.